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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2065 of 2025

Mala
W/o.Prabhu,
No.408/A/21, Kasthuribai Nagar, 7th Street,
Vetuvankeni,
Chennai - 600 115.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Law and order, J.6. Thiruvanmiyur Police
Station,
Chennai.
Crime No.359/2025

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of HABEAS CORPUS or any other appropriate writ, order or direction in the nature of writ, calling for the records relating to the detention order passed by the second respondent pertaining to the order made in



BCDFGISSSV.NO.697/2025 dated 16-09-2025 in detain the detenu under 2(e) of Tamil Nadu Act 14 of 1982, as a DRUG OFFENDER and quash the same and direct the respondent to produce the petitioner PRABHU, Son of PRAKASH, aged about 30 years, who is detained at Central Prison, Puzhal at Chennai, before this Honble Court and set him at liberty and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.G.Nirmal Krishnan

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M. Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

Prabhu, S/o. Prakash, has been detained under order dated 16.09.2025 and kept in Central Prison, Puzhal, Chennai. His wife has approached this Court challenging the order of detention and the main ground argued by learned counsel for petitioner is the lack of proper subjective satisfaction on the part of the detaining authority that the detenu would be enlarged on bail.

2. We have heard learned counsel for petitioner and the learned Additional Public Prosecutor.

3. The bail order relied upon by the detaining authority placed at page 47 of Vol I passed in CrI MP NO. 1414 of 2021 reveals that accused in that case had no adverse case and this has been recorded by the Principal Special Judge,



Special Court under EC & NDPS Act, Chennai. However, the detenu in this case has one adverse case and hence we do not find the two cases comparable.

The subjective satisfaction of the detaining authority is hence based on two incomparable situations and is hence not sustainable.

4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.697/2025, dated 16.09.2025, is set aside.

5. The detenu, viz., Prabhu, S/o. Prakash, aged 30 years, confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

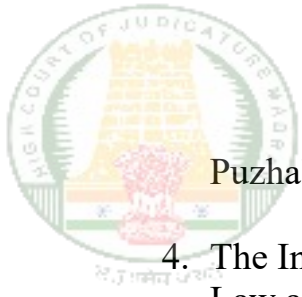
(A.S.M.,J.) (S.M.,J.)
28-04-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
ssm

Note to Registry : Issue Today

To

1. The Additional Chief Secretary to government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent,
Central Prison,



Puzhal, Chennai.

4. The Inspector of Police,
Law and order, J.6. Thiruvanmiyur Police
Station,
Chennai.
Crime No.359/2025

5. The Public Prosecutor,
High Court of Madras.

6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

ssm

HCP No. 2065 of 2025

28-04-2026